

JUDGE SULLIVAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

: INDICTMENT

-v.-

08 CRIM 566

LUIS OLIVENCIA and
FRANCIS ROCCO,
a/k/a "Frank,"

:

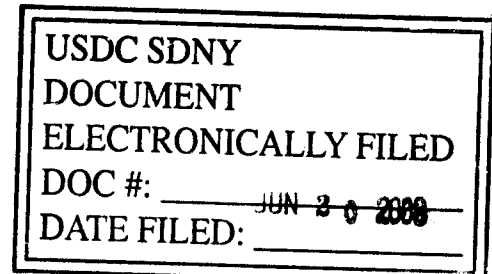
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Defendants.

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COUNT ONE



The Grand Jury charges:

1. In or about June 2007, in the Southern District of New York and elsewhere, LUIS OLIVENCIA and FRANCIS ROCCO, a/k/a "Frank," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that LUIS OLIVENCIA and FRANCIS ROCCO, a/k/a "Frank," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of methamphetamine, its salts, isomers, and salts of its isomers, in violation of Title 21, United States Codes, Sections 812, 841(a)(1), and 841(b)(1)(B).

Overt Acts

3. In furtherance of the conspiracy and to effect the

illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. On or about June 19, 2007, in New York, New York, LUIS OLIVENCIA, the defendant, discussed selling approximately one ounce of crystal methamphetamine to a cooperating witness ("CW-1").

b. On or about June 26, 2007, in New York, New York, FRANCIS ROCCO, a/k/a "Frank," the defendant, sold approximately half an ounce of crystal methamphetamine to CW-1.

c. On or about June 27, 2007, in New York, New York, OLIVENCIA collected approximately \$1,900 in narcotics proceeds.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. On or about June 26, 2007, in the Southern District of New York and elsewhere, LUIS OLIVENCIA and FRANCIS ROCCO, a/k/a "Frank," the defendants, unlawfully, intentionally, and knowingly, did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of methamphetamine, its salts, isomers, and salts of its isomers.

(Title 21, United States Code,
Sections 812, 841(a)(1) and 841(b)(1)(B).)

COUNT THREE

5. On or about June 27, 2007, in the Southern District of New York and elsewhere, LUIS OLIVENCIA, the defendant, unlawfully, intentionally, and knowingly, did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of methamphetamine, its salts, isomers, and salts of its isomers.

(Title 21, United States Code,
Sections 812, 841(a)(1) and 841(b)(1)(B).)

FORFEITURE ALLEGATION

6. As a result of committing the controlled substance offense alleged in Counts One through Three of this Indictment, LUIS OLIVENCIA and FRANCIS ROCCO, a/k/a "Frank," the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds these defendants obtained directly or indirectly as a result of the narcotics violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the narcotics violations alleged in Counts One through Three of the Indictment.


7. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the

defendants:

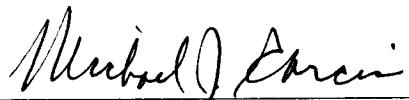
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code,
Sections 841(a)(1), 846, and 853.)



FOREPERSON



MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

LUIS OLIVENCIA and
FRANCIS ROCCO,
a/k/a "Frank,"

Defendants.

INDICTMENT

08 Cr.

(Title 21, United States Code,
Sections 812, 841(a)(1),
841(b)(1)(B), 846.)

MICHAEL J. GARCIA

United States Attorney.

A TRUE BILL

Jim C. Clark

6/20/08

Foreperson.
